

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

BEILIN XU,

Defendant.

**Application for
Order of Continuance**

23 Mag. 5988

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.
SOUTHERN DISTRICT OF NEW YORK)

MATTHEW WEINBERG, pursuant to 28 U.S.C. §1746, hereby affirms the truth of the following under penalties of perjury:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A). This is the second order of continuance that has been sought in this case.

2. The defendant was arrested on August 10, 2023 and charged in a complaint dated on the same date, August 10, 2023, with violating Title 21, United States Code, Sections 846. On August 10, 2023, the defendant was presented before Magistrate Judge Gabriel W. Gorenstein, who ordered the defendant released pursuant to bail conditions. The defendant is represented by Stephen Mulkoff, Esq. At the presentment, former defense counsel waived his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 14 days of the initial appearance. Accordingly, under the Speedy Trial Act, the Government had until September 11, 2023, within which to file an indictment or information.

3. On September 11, 2023, Magistrate Judge Sarah L. Cave entered an Order

of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have to be filed in this case until October 11, 2023.

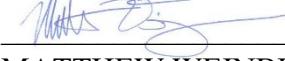
4. Defense counsel and I are engaged in discussions concerning a possible disposition. Those discussions have not been completed, and we plan to continue our discussions, but we do not anticipate a resolution before the deadline under the Speedy Trial Act expires on October 11, 2023.

5. Therefore, the Government is requesting a 30-day continuance until November 10, 2023, to continue the foregoing discussions. Defense counsel consented to this request by email on October 9, 2023.

6. Andrew S. Dember, Deputy Chief of the Criminal Division, has approved this application.

7. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: New York, New York
October 10, 2023



MATTHEW WEINBERG
Assistant United States Attorney
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